

MONTANA LEGISLATIVE HISTORY

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Chapter 432 19 91

Bill H _____ S 336 Original bill & history _____c

H. Committee on Human Services Aging

Hearing Date(s) Mar 21 ☒ c

_____ c

_____ c

_____ c

Date Out Mar 22 _____ c

S. Committee on Public Health Welfare & Safety

Hearing Date(s) Feb 18 ☒ c

_____ c

_____ c

_____ c

Feb 18 ☒ c

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

FACILITIES

2/08	INTRODUCED		
2/08	REFERRED TO BUSINESS & INDUSTRY		
2/09	FIRST READING		
2/18	HEARING		
2/18	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/20	2ND READING PASSED	49	0
2/21	3RD READING PASSED	48	0
	TRANSMITTED TO HOUSE		
3/04	FIRST READING		
3/04	REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT		
3/14	HEARING		
3/14	COMMITTEE REPORT—BILL CONCURRED		
3/16	2ND READING CONCURRED	87	4
3/18	3RD READING CONCURRED	97	1
	RETURNED TO SENATE		
3/23	SIGNED BY PRESIDENT		
3/23	SIGNED BY SPEAKER		
3/25	TRANSMITTED TO GOVERNOR		
3/29	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 286		

EFFECTIVE DATE: 10/01/91

SB 336 INTRODUCED BY PIPINICH, ET AL.

CLARIFY INTERRELATIONSHIP OF UNIFORM AND GOVERNMENT
HEALTH INFORMATION ACTS
BY REQUEST OF DEPARTMENT OF HEALTH &
ENVIRONMENTAL SCIENCES

2/09	INTRODUCED		
2/09	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
2/09	FIRST READING		
2/18	HEARING		
2/19	COMMITTEE REPORT—BILL PASSED		
2/19	PLACED ON CONSENT CALENDAR		
2/22	3RD READING PASSED	48	1
	TRANSMITTED TO HOUSE		
3/04	FIRST READING		
3/04	REFERRED TO HUMAN SERVICES & AGING		
3/21	HEARING		
3/23	COMMITTEE REPORT—BILL CONCURRED		
3/23	PLACED ON CONSENT CALENDAR		
4/05	3RD READING CONCURRED	94	4
	RETURNED TO SENATE		
4/11	SIGNED BY PRESIDENT		
4/12	SIGNED BY SPEAKER		
4/12	TRANSMITTED TO GOVERNOR		
4/16	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 432		

EFFECTIVE DATE: 4/15/91

SB 337 INTRODUCED BY RYE

FULLY INFORMED JURY

2/09	INTRODUCED		
2/09	REFERRED TO JUDICIARY		
2/09	FIRST READING		
2/21	HEARING		
2/22	COMMITTEE REPORT—BILL NOT PASSED		
2/22	ADVERSE COMMITTEE REPORT ADOPTED	45	4

SB 338 INTRODUCED BY BURNETT

REVISE MEAT INSPECTION PROGRAM BY ELIMINATING LAY
MEAT INSPECTORS

Mr. Phillips said the bill draft requests were entered at the same time. He said it would be useful to have SB 332 because the Pavlovich bill faced considerable opposition in the House.

Senator Jacobson said according to this bill the child is subject to the same fine as the person selling the product.

Mr. Phillips said that was correct.

Senator Jacobson asked if he would have any objection to increasing the fine to the person selling the product.

Mr. Phillips said he would have no objection.

Senator Towe asked if use of smokeless tobacco was included in the bill.

Mr. Phillips said it is implied.

Closing by Sponsor:

Senator Gage said in response to Senator Pipinich's comments, he said he did not know if any of the soldiers were under the age of 18. He said he doubted they were. He thanked the committee for the hearing.

HEARING ON SENATE BILL 336

Presentation and Opening Statement by Sponsor:

The chairman recognized Senator Pipinich who said this bill was requested by the Department of Health. The purpose is to reduce the confusion of the local health department's regarding the rules about releasing health care information about one person to another person. In 1987, the legislature adopted the Uniform Health Care Information Act which set strict rules governing the release of health care information about the health care providers. In 1989, the Department of Health requested passage of the Government Health Care Information Act, which is now law. The two Act's are similar but not identical. Basically, the circumstances under the Governmental Act are more liberal than the rules under the Uniform Act. He told the committee that Department representatives were presenting specific testimony.

Proponents' Testimony:

The first witness was Ellie Parker, attorney for the Department of Health and Environmental Sciences. She said the Uniform Health Care Information Act was intended to apply to the use of information by health care providers. That Act did not deal with information that state and local health departments receive.

For example, they receive reports on communicable diseases, on handi-capped children and family planning information. The local and state health department's did not have standards which govern the release of health care information. In 1989, the Department adopted the Government Health Care Information Act. This limits circumstances under which information is released. When the local health department's are acting as health care providers and they have information in their possession, it would be released under the Uniform Act. The information acquired through a communicable disease report would be released only under the Government Health Care Information Act. She said it has created a problem in Great Falls.

Opponents' Testimony:

None.

Questions From Committee Members:

Chairman Eck asked Ms. Parker if she had reviewed what the codes would look like if these two Act's were merged.

Ms. Parker said they would still be in separate parts and she reviewed certain parts of SB 336.

Chairman Eck asked what the reason was for an immediate effective date.

Ms. Parker said there was no reason to delay.

Closing by Sponsor:

Senator Pipinich said it was a short bill that cleaned up confusion. He thanked the committee for the hearing.

HEARING ON SENATE BILL 381

Presentation and Opening Statement by Sponsor:

Senator Jacobson opened by saying this bill involves both the naturopath's and lay mid-wives bills. This bill is overdue. We need a vehicle to put small health care provider groups into. When you have a group of 20 people that are licensed and require staffing, legal assistance and secretarial assistance it becomes very expensive for the Department of Commerce and those that have to pay the licensing fees. She said it has been difficult or impossible to combine one group into another board. We are catching these groups at the beginning of their licensing legislation. They have agreed it would be beneficial. She said the composition of the board may cause questions.

Recommendation and Vote:

Senator Towe moved to pass SB 348 as amended. There being 8 ayes and 0 nays the motion carried.

EXECUTIVE ACTION ON SENATE BILL 336

Motion:

Senator Pipinich moved to pass SB 336.

Discussion:

None.

Amendments, Discussion, and Votes:

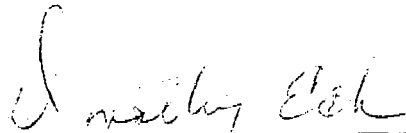
There being no objection the motion carried.

Recommendation and Vote:

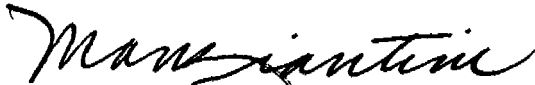
Senator Pipinich made a motion that SB 336 be placed on the consent calendar. There being no objection the motion carried.

ADJOURNMENT

Adjournment At: 5:05 p.m.



SENATOR DOROTHY ECK, Chairman



CHRISTINE MANGIANTINI, Secretary

PUBLIC HEALTH, WELFARE
AND SAFETY

COMMITTEE

Date 2/18/91

NAME	PRESENT	ABSENT	EXCUSED
SENATOR BURNETT	X		
SENATOR FRANKLIN	X		
SENATOR HAGER	X		
SENATOR JACOBSON	X		
SENATOR PIPINICH	X		
SENATOR RYE	X		
SENATOR TOWE	X		
SENATOR ECK	X		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 18, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration Senate Bill No. 236 (first reading copy - white), respectfully report that Senate Bill No. 236 do pass and unanimously recommend that it be placed on the Consent Calendar.

Signed: *[Signature]*
Dorothy Eck, Chairman

LB 2/15/91
Amd. Coord.

Sec. of Senate

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 18th day of February, 1991.

Name: Ellie Parker

Address: Dept. of Health & Environmental Sciences
Correll Bldg. Helena

Telephone Number: 444-2630

Representing whom?

DHEC

Appearing on which proposal?

SB 336

Do you: Support? ☒ Amend? ☐ Oppose? ☐

Comments:

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date February 18, 1991

S Bill No. 336

Time 4:07 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Pipinich moved to pass SB 336 without amendments.

There being no objection the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date February 18, 1991 S Bill No. 336 Time 4:09p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: senator Pipinich moved to send this measure to the
consent calendar. There being no objection the motion carried.

together once a month and has a financial report. We have reports from various directors and discuss programs that may be coming up. The board receives our input, comments, and votes on financial decisions, as far as purchasing buildings for various projects and programs.

REP. JOHNSON asked if there are any members of the Fergus County board who have qualifications that are mentioned in the amendment. Ms. Higgim stated that they have at least one member who is a mental health professional.

REP. JOHNSON asked what are the costs related to things kinds of additions and mandates to the board as a county commissioner, not as a person who is working for a board. Ms. Nutting stated that in Carbon County, they levy \$12,000 to the mental health center in Billings. As far as additional members, there would not be a cost reflected to the county of such, it would just be through the center in Billings. Should there be such a case that they would ask for increased funding from the county for the center, they would not be able to do it at present time, because that is in their general fund budget.

REP. JOHNSON asked how would this fit to have this many more people on your board. Ms. Nutting stated that an additional three people, when you already have 14 board members, is unwilling. Carbon County has an efficient effective board.

REP. JOHNSON asked why there was need to have this legislation. Dan Anderson stated that this has been an ongoing concern that DOI has had for a number of years. There was a need for the people who are most directly effected by the services to be represented on these boards.

Closing by Sponsor:

SEN. WATERMAN stated that those who work in the mental health field have come to recognize how very important it is to have active participation and input from people who are consumers of those services. There are a number of other county boards that are made up of consumers. She submitted testimony. EXHIBIT 11

HEARING ON SB 336

Presentation and Opening Statement by Sponsor:

SEN. BOB PIPINICH, Senate District 33, Missoula, stated that the Department of Health and Environmental Sciences (DHES) asked him to present this bill. The purpose of this bill is to get rid of confusion DHES has about laws they must follow in whether they can release health care information about an individual to someone else.

Proponents' Testimony:

Ellie Parker, Department of Health and Environmental Sciences, stated that in 1987 the Legislature adopted the Uniform Health Care Information Act, which sets the standards for a release of health care information on individuals by health care providers. State and local health departments have a lot of health care information on individuals that comes to them, not because they are providing direct health care to the public, but because these outbreaks were reported to them, schools reported status to them, or they were doing a sexually transmitted disease investigation. Since DHES had that kind of information, the reason other than because members of their staff have provided health care to someone, the Uniform Health Care Information Act didn't apply. The DHES didn't have any standards in the statute to follow the circumstances under which they had released health care information they had in their possession. Last session the Government Health Care Information Act was enacted, which applies to health care information the state department has and the local health department has. The problem that we had discussed is that some of the health care information they have is because people who are on staff gave shots to the public. In those instances those members are acting as health care providers. That information should be released only under these standards in the Uniform Information Act. Basically, the choice is determined by the way the local health departments get the information on the individual.

Opponents' Testimony: None

Questions From Committee Members: None

Closing by Sponsor:

SEN. PIPINICH stated that this bill will cleanup some of the language and will help DHES.

HEARING ON SB 311

Presentation and Opening Statement by Sponsor:

REP. JESSICA STICKNEY, House District 26, Miles City, opened the hearing for SEN. CECIL WEEDING.

Proponents' Testimony:

Jim Reid, PA.C, Montana Academy of Physicians Assistants (PAs), stated that this bill is a cleanup bill. Last Legislature, PAs were able to accomplish a significant amount in a Legislature reform, allowing that PAs cannot practice with physicians in the state. That has remarkable results and is very positive for PAs to stay in a health care facility. This bill expands the disciplinary authority of the Montana Board of Medical Examiners. Currently, under regulation and statute, the board has only one option in disciplining a PA or supervising a position for hiring under the language in the Act. This bill puts in place the same

so that they don't have to go into a skilled nursing facility. They need skilled care and if they didn't have it in their home, they would be in a nursing home. Those people in a personal care facilities need this care.

REP. WHALEN asked what is the difference between a nursing home, long term care facility, skilled care facility and a personal facility. Ms. Johnson stated that skilled care and intermediate care means nursing home. Rose Hughes stated that long term care consists of skilled care, which is the highest level of nursing care; immediate care, which is also nursing home care; and personal care, which is not nursing home care but it is long term care. REP. STICKNEY stated that because waiting in the Medicaid waiver for inhome services has been successful in keeping the elderly in the home. This is a pilot program to see if the same thing can be done with the next level of care.

Motion: REP. BOHARSKI moved to amend HB 978. Motion carried unanimously.

Page 4, line 4.

Strike: "The"

Insert: "Prior to December 31, 1991, the"

Motion/Vote: REP. MESSMORE MOVED HB 978 DO PASS AS AMENDED. Motion carried 18-2 with REPS. KASTEN and SPRING voting no.

EXECUTIVE ACTION ON SB 336

Motion/Vote: REP. STICKNEY MOVED SB 336 BE CONCURRED IN AND BE PUT ON THE CONSENT CALENDAR. Motion carried unanimously.

ADJOURNMENT

Adjournment: 5:20 p.m.


ANGELA RUSSELL, Chair


Jeanne Krumm, Secretary

AR/jck

HOUSE OF REPRESENTATIVES

HUMAN SERVICES AND AGING COMMITTEE

ROLL CALL

DATE 3-21-91

NAME	PRESENT	ABSENT	EXCUSED
REP. ANGELA RUSSELL, CHAIR	✓		
REP. TIM WHALEN, VICE-CHAIR			✓
REP. ARLENE BECKER	✓		
REP. WILLIAM BOHARSKI	✓		
REP. JAN BROWN	✓		
REP. BRENT CROMLEY	✓		
REP. TIM DOWELL	✓		
REP. PATRICK GALVIN			✓
REP. STELLA JEAN HANSEN	✓		
REP. ROYAL JOHNSON	✓		
REP. BETTY LOU KASTEN	✓		
REP. THOMAS LEE	✓		
REP. CHARLOTTE MESSMORE	✓		
REP. JIM RICE	✓		
REP. SHEILA RICE			✓
REP. WILBUR SPRING	✓		
REP. CAROLYN SQUIRES	✓		
REP. JESSICA STICKNEY	✓		
REP. BILL STRIZICH	✓		
REP. ROLPH TUNBY	✓		

CS05HUMSER.MAN

HOUSE STANDING COMMITTEE REPORT

1:35
3:22:4
JDI
March 22, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging report that Senate Bill 336 (third reading copy -- blue) be concurred in and be placed on consent calendar.

Signed: _____
Angela Russell, Chairman

Carried by: Rep. S.J. Hansen

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Human Services & Aging COMMITTEE BILL NO. SB 336
 DATE 3-21-91 SPONSOR(S) Sen. Pipinich

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
<u>Ellie Pardo</u>	<u>DHS</u>	<u>SB 336</u>		☒
<u>JUDITH GEDROSE</u>	<u>Health + Environmental Science</u>	<u>SB 336</u>		☒

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.